
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

MONICA S. JAMES, BERNADETTE
HOFFMAN, LORRIE MOORE, AND
TIARA PRISBREY,

Plaintiffs,

v.

FRANK'S WESTATES SERVICES, INC.,
AND GENE MCFARLAND,

Defendants.

ORDER

Case No. 2:07-cv-00937-CW

Judge Clark Waddoups

The Tenth Circuit has found that “[a] plaintiff must generally exhaust his or her administrative remedies prior to pursuing a Title VII claim in federal court. Thus, a plaintiff normally may not bring a Title VII action based upon claims that were not part of a timely-filed EEOC charge for which the plaintiff has received a right-to-sue letter.”¹ The court therefore requests the Charges of Discrimination for Plaintiffs Monica S. James and Bernadette Hoffman as submitted to the Utah Anti-Discrimination & Labor Division and EEOC, to assure that this court’s jurisdiction is proper. Although Defendants have not objected to this omission in their briefing, the court has “an independent obligation to assure that standing exists, regardless of

¹ *Simms v. Okla. ex rel. Dep’t of Mental Health & Substance Abuse Serv.*, 165 F.3d 1321, 1326 (10th Cir. 1999).

whether it is challenged by any of the parties.”² Accordingly, Ms. James and Ms. Hoffman are hereby ordered to submit their Charges of Discrimination no later than 4:30pm on Friday, September 24, 2010.

DATED this 22nd day of September, 2010.

BY THE COURT:



Clark Waddoups

United States District Judge

² *Summers v. Earth Island Inst.*, 129 S. Ct. 1142, 1152 (2009). See also, *Citizens Concerned for Separation of Church and State*, 628 F.2d 1289, 1297 (10th Cir. 1980) (stating that “jurisdictional questions are of primary consideration and can be raised at any time by courts on their own motion.”)